

House Bill 740

By: Representatives Floyd of the 99th and Marin of the 96th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Board of Commissioners of Gwinnett County, approved
2 January 31, 1968 (Ga. L. 1968, p. 2003), as amended, particularly by an Act approved April
3 25, 2002 (Ga. L. 2002, p. 4258), so as to reconstitute the board of commissioners; to change
4 the description of the commissioner districts; to provide for two additional districts; to
5 provide for definitions and inclusions; to provide for continuation in office of the current
6 chairperson and members; to provide for election and terms of office of subsequent
7 members; to change quorum provisions; to provide for the submission of this Act for
8 preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related
9 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating the board of commissioners of Gwinnett County, approved January 31, 1968
13 (Ga. L. 1968, p. 2003), as amended, particularly by an Act approved April 25, 2002 (Ga. L.
14 2002, p. 4258), is amended by revising Section 3 to read as follows:

15 "SECTION 3.

16 (a) Until January 1, 2009, the Board of Commissioners of Gwinnett County shall consist
17 of four members and a chairperson. On and after January 1, 2009, the Board of
18 Commissioners of Gwinnett County shall consist of six members and a chairperson. The
19 chairperson shall be elected by the qualified voters of the entire county and may reside in
20 any district in Gwinnett County, but each candidate for membership on the board shall be
21 a resident of the commissioner district created by this section which he or she offers to
22 represent and shall be elected by the qualified voters of such district. The chairperson and
23 members of the board of commissioners shall be elected by majority vote.

(b) The six commissioner districts shall be and correspond to those six numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: gwcc6distp1 Plan Type: Local User: Gina Administrator: Gwinnett.

(c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Gwinnett County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Gwinnett County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

(d)(1) The members of the reconstituted Board of Commissioners of Gwinnett County shall be elected as provided in this subsection. The chairperson and those members of the board elected from Commissioner Districts 1, 3, and 5 shall be elected at the general election on the Tuesday next following the first Monday in November, 2008. The chairperson and those members of the board elected from Commissioner Districts 1, 3, and 5 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2012, and upon the election and qualification of their respective successors.

(2) The first board member from Commissioner District 6 shall be elected in the general election on the Tuesday next following the first Monday in November, 2008, and shall take office the first day of January immediately following that election and shall serve for an initial term of office which expires December 31, 2010, and upon the election and qualification of the board member's successor.

(3) The members from Commissioner Districts 2, 4, and 6 shall be elected at the general election on the Tuesday next following the first Monday in November, 2010. Those members of the board elected from Commissioner Districts 2, 4, and 6 shall take office

the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2014, and upon the election and qualification of their respective successors.

(4) Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified in this subsection and until their respective successors are elected and qualified.

(e) Notwithstanding those changes in description of commissioner districts which became effective at the same time this section becomes effective and notwithstanding the district residency requirement for candidates in subsection (a) of this section, members of the board serving on the effective date of this Act shall complete the term for which they were elected and until their successors are elected and qualified.

(f) Commissioner Districts 1, 2, 3, and 4, as they exist on July 1, 2007, shall continue to be designated as Commissioner Districts 1, 2, 3, and 4 respectively, but as newly described under this Act; and on and after July 1, 2007, such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this Act.

(g) All members of the board shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

SECTION 2.

Said Act is further amended by striking in its entirety the attachment thereto containing the descriptions of the four commissioner districts which is identified as Plan Name: senate(revised) Plan Type: Local User: Gina Administrator: Gwinnett.

SECTION 3.

Said Act is further amended by revising Section 9 to read as follows:

"SECTION 9.

The board of commissioners shall hold regular meetings on the first and third Tuesdays of each month at 10:00 A.M. and on the fourth Tuesday of each month at 7:00 P.M. Work sessions will be held on the second and fourth Tuesdays of each month at a time to be designated by the board of commissioners. At the evening meetings on the fourth Tuesday, the board of commissioners shall hear applications for rezoning. These meetings, work sessions, and other meetings shall be held at the county seat or such other location within

1 the county as the board of commissioners designates and shall be open to the public. The
2 board of commissioners shall be authorized to change the scheduled time of the regular
3 meetings and the day and time of the work sessions by duly adopted resolution, provided
4 that notice of such change shall be published in a newspaper of general circulation and in
5 the official county organ for three weeks within a period of 60 days prior to the adoption
6 of the resolution. The board of commissioners may hold such additional meetings as shall
7 be necessary when called by the chairperson or any three members of the board of
8 commissioners, provided all members shall have been notified at least three days in
9 advance of such special meeting. No official action shall be taken by the board of
10 commissioners except in a meeting which is open to the public. The chairperson and any
11 four members of the board of commissioners, or any five members of the board of
12 commissioners, exclusive of the chairperson, shall constitute a quorum. No official action
13 shall be taken except upon the affirmative vote of at least five members of the board of
14 commissioners. The chairperson shall be entitled to the same voting rights as other
15 members of the board of commissioners on questions considered by the board."

16 **SECTION 4.**

17 It shall be the duty of the attorney of the Board of Commissioners of Gwinnett County to
18 submit this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965,
19 as amended.

20 **SECTION 5.**

21 This Act shall become effective upon its approval by the Governor or upon its becoming law
22 without such approval, except Section 3 of this Act shall become effective January 1, 2009.

23 **SECTION 6.**

24 All laws and parts of laws in conflict with this Act are repealed.